

Al-Farouq

The Criterion



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★ SPECIAL EDITION ON TAQLEED AND MATH-HABS ★

Editorial

This special edition of Al-Farouq is dedicated to the understanding of taqleed and math-habs. This publication contains most of the common questions and objections pertaining to taqleed and the following of a math-hab. Taqleed of one Alim or Imam can be proven from The Quran-e-Kareem, Ahadeeth of Rasoolullah (sallallahu alayhi wasallam), and practices of Sahaaba. We cite a few examples:

► Allah Ta'ala states in Surah Ambiyaa, verse 7: **"And ask the People of the Book, if you have no knowledge"** In this verse Allah Ta'ala commands those who have no knowledge of their Deen to ask those who are learned. This is exactly what taqleed is all about, the non-learned finding out from the learned.

► In Surah Luqman, Allah Ta'ala commands: **"And follow the path of he who has turned to Me;"** Further on in this treatise we will explain that a math-hab means a path or method of Fiqah. Indirectly, the above verse orders us to follow the 'math-hab' of people who made *inaabat ilallah*, i.e. turned to Allah in taqwa and good a'maal. Such virtue is not found more prominently in any besides the four great Imams of the past.

► In one hadith Rasoolullah (sallallahu alayhi wasallam) commanded: **"Speak about the Quran (only) that which you know. As for that which you do not know, leave it to the Alim of the Quran."** (Mishkaatul Masaabeeh) The Messenger of Allah also commanded: **"And grab hold of the guidance of Ibni Mas'ud "**. (Ibid)

These statements are clear instructions to make taqleed of one Alim.

► When Hazrat Abdullah bin Abbas (radhiyallahu anhu) took up temporary residence in Makka, most of the Muslims there made his taqleed in all laws of Shariah, and even gave preference to his fatwas over those of other Sahaaba-e-Kiraam (radhiyallahu anhum) who were permanent residents of Makka Mukarrama. (Al-Hujjatullahil Baaligha)

► When Muslims of Madinah came to Makka for hajj and were faced with a problem regarding the hajj of a woman in her menses, they acted on the fatwa of their Mufti, Hazrat Zaid bin Thabit (radhiyallahu anhu). Meanwhile, the ruling issued by Hazrat Ibni Abbas on the same issue differed with the fatwa of Zaid bin Thaabit, yet the people of Madinah made taqleed of the latter. (Saheeh Al-Bukhari)

These few examples provide irrefutable evidence that *taqleed-e-shakhsi*, which is the following of one Alim or Imam, is an indispensable part of Shariah. □

The Reality of Ghayr-Muqallids

In a discussion with a non-Muqallid, he mentioned to me that we (the muqallids) follow Imam Abu Hanifa (rahmatullah alayhi) blindly.

As the discussion continued, the issue of the topi arose. I said to him that according to hadith, Rasoolullah (sallallahu alayhi wasallam) wore a turban over his topi. This non-Muqallid quickly responded that the hadith of wearing the turban over the topi is *dha'eef* (weak). I then asked how he, a non-Alim, knew that the hadith in question was *dha'eef*. His answer

was that 'Shaikh Albaani said it was weak'. My next question to him was: "On what grounds did Shaikh Albaani declare this hadith as 'weak'? He said: "I don't know."

I then seized the initiative and retorted: "So you follow Albaani blindly, and I thought you were not a muqallid!" Needless to say, he left the meeting fuming.

This incident proves once again that even those who oppose taqleed cannot do without it. □

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Commonly Used Terms

Guide

- **Ghayr-Muqallid:** One who does not follow or conform to one particular math-hab, as opposed to a Shaafi or Hanafi, who is a muqallid of one Imam. They are also referred to as *Laa Math-habis* (people without a math-hab).
- **Muqallid:** One who makes taqleed.
- **Taqleed:** To accept the ruling of an Alim without knowing his daleel or proof for the ruling.
- **Salafi:** A sect that was born in modern day Arabia about 60 to 70 years ago. The Salafi sect is an offshoot of Wahhabism, which was another brand of Islam founded and promoted by Shaykh Muhammed bin Abdul-Wahhaab during the 18th century. The Wahhaabi movement was based on extremism in Islam and gained prominence in Saudi Arabia through an alliance formed with a powerful Bedouin leader named Muhammad Saud, after whom the Arabian Peninsula was renamed “Saudi Arabia”. The subsequent Kings of Saudi Arabia fully supported the Wahhabi movement and its doctrines. Both Salafism and Wahhabism contain several fundamental differences with mainstream Muslims and followers of the four math-habs, including the abandonment and condemnation of taqleed. The term Salaf means ‘pious predecessors’. Salafis claim that they follow the *Salaf-e-saaliheen* which are the Sahaaba, Tabi’een and those after them. In this publication we shall test the veracity of this claim.
- **Ahle-Hadith:** This means “People of Hadith”. The term can refer to three distinct groups. Firstly, it is a term used for the Muhadditheen of former times, such as Imam Bukhari, Muslim, Tirmizhi, Abu Dawood, Ishaaq bin Rahaway, etc. These were all great Ulema and people on the Haqq. They were and still are widely acclaimed scholars, were men of great taqwa, and enjoyed Divine Acceptance. The second reference is to Scholars of Hadith of recent times. These were a minority group of Ulema in India who studied and taught hadith, but they too, did not align themselves to any math-hab. To their credit we must acknowledge that though these Ulema never followed one particular math-hab, they had the greatest respect for the Imams of the Math-habs and never condemned taqleed. The third reference is to a group of laymen also of the Indo-Pak sub-continent who abandoned taqleed in favour of self-study. In reality, they too, are ghayr-muqallids. Their trade-mark is ‘Imam and math-hab bashing’ and their favourite past time is to slate and character-assassinate Hazrat Imam Abu Hanifa (May Allah be pleased with him). Thanks to the Ulema of those countries, time and again, these antagonists of taqleed were silenced and subdued.
- **Math-hab:** The term “Math-hab” derives from the Arabic word *Thahaba* meaning “he went”. *Math-hab* thus means “a place of going” or “a pathway”. When used in a technical sense it means a path of fiqh adopted by a Mujtahid or Faqeeh. The math-hab of Imam Shaafi’ee for example, will mean the Path of Fiqh that he adopted from studying the Quran, Sunnah of Rasool (sallallahu alayhi wa sallam) and Sunnah of Sahaaba. Likewise, the math-hab of Imam Abu Haneefa will mean the Path of Fiqh that he chose from Quran, Sunnah, and lives of Sahaaba. The same can be said about the School of Fiqh derived from these three sources by Imam Maalik and Imam Ahmad bin Hambal. When people speak of the *math-hab* of Imam Bukhari, it means a path of fiqh adopted by him.
- **Ijtihaad:** The skill, expertise, and God-given flare that enables a Jurist to derive legal rulings and principles from the Holy Quran and Sunnah of Nabi Muhammed (sallallahu alayhi wasallam).
- **Mujtahid:** One who employs the skill of Ijtihaad to derive rulings from Quran and Hadith.
- **Faqeeh:** The Muslim Jurist. Both Mujtahid and Faqeeh refer to exponents of fiqh who mastered the sciences of Tafseer, Hadeeth, Arabic Rhetoric and Literature, Usool of Fiqh, Arabic Grammar, Arabic Linguistics, Poetry, and a host of other subjects. Without possessing knowledge of these branches of learning, one cannot exercise ijtihaad, nor can one become a Faqeeh or Jurist. □

Questions & Answers

Q & A

Q) Why must we follow a math-hab when these math-habs never existed in the time of Rasoolullah (sallallahu alayhi wasallam)?

A) Did Saheeh Al-Bukhari, Saheeh Al Muslim, Jaami Tirmizhi, Sunan Abu Dawood, Muatta Imam Maalik, etc exist in the time of Rasoolullah (sallallahu alayhi wasallam)? The answer to this question will apply equally to the question about the math-habs. If you accept Saheeh Al-Bukhari and Muslim, as well as the other works of hadith and fiqh in spite of the fact that none of them existed in the time of Allah's Messenger, then there is no reason not to accept and follow the math-habs. The logical answer to this question is that though Bukhari Shareef, Muslim Shareef, and other hadith works never existed in the time of Allah's Messenger, yet we accept and follow them because the information they contain came from Allah's Messenger. The ahadeeth recorded in these books were narrated from Rasoolullah (sallallahu alayhi wasallam). In exactly the same way, all math-habs are based on Quranic verses, ahadeeth of Rasoolullah (sallallahu alayhi wasallam), and rulings of the Sahaaba. These three sources constitute the basis of every single math-hab, and all Islamic knowledge stems therefrom. A math-hab is not valid if not based on Quran, Sunnah, and rulings of Sahaaba. Notwithstanding the fact that math-habs never existed in his time, it is undeniable that following the math-habs is in essence following the teachings of Our Beloved Rasool (sallallahu alayhi wasallam)

Q) Must I follow the Imams or should I follow Rasoolullah (sallallahu alayhi wasallam)? Who is greater?

A) This question is based on the pretext of ignorance. All Muslims know that The Messenger of Allah is greater and more learned than the Ulema of the whole Ummat put together. To ask 'who is greater, The Rasool or the Imams' is not only childish and downright stupid, but is extremely disrespectful. It's like asking: 'Who is greater Allah or His creation?' The questioner implies that following the Imams is different to following the Messenger of Allah. I will respond to this question with another question: Do you believe that the Imams, viz. Maalik, Abu Hanifa, Ahmed bin Hambal and Shaafi'ee followed anyone else other than The Messenger of Allah? Whoever dares to answer 'yes' to this question will be guilty of a major slander and fabrication. Should you dare say that the Imams did not follow Allah's Messenger, then I challenge you to furnish evidence to support your claim. Every Muslim, no matter how ignorant, must concede and knows in his heart of hearts, that all these spiritual and intellectual

giants followed the Quran and Sunnah. Once you acknowledge that they followed Quran and Sunnah, you have to admit that whoever follows these Aimmah is following Quran and Sunnah. Imam Bukhari (rahmatullahi alayh) wrote a book on The Sunnah. Whoever follows what is written therein is definitely following the Messenger of Allah. The Muqallid follows The Messenger of Allah through the Imams.

Q) Which math-hab did Rasoolullah follow? Was he a Hanafi, Shaafi'ee or Maliki?

A) Another question typically characterized by sarcasm and malice. When Allah's Messenger left behind a Sunnah that all math-habs follow, how could it be asked whether he followed a math-hab. He was the instigator of the math-habs, so how could he *follow* a math-hab. It's like asking which book did The Messenger of Allah follow, Bukhari or Muslim? Is this not the height of imbecility? Every math-hab contains some form of Sunnah that came directly from Nabi Muhammed (sallallahu alayhi wasallam). The Noble Messenger was thus the fountainhead of all learning contained in the different math-habs, so the question of a math-hab in relation to him should never even arise. The math-habs follow him and not vice-versa.

Q) Why call yourself Hanafi or Shaafi'ee, and why not Muhammadi? Should we rather not attribute ourselves to one greater than Abu Hanifa and Shaafi'ee? Are we not followers of Hazrat Muhammad (sallallahu alayhi wasallam)?

A) The ones who pose this question are guilty of the same dilemma. They style themselves as *Salafis*, which in reality is not even a justified epithet, since they do not totally follow the pious predecessors. As for the term Muhammadi, some ghayr-muqallids of former years used this title for themselves. If there was any significance in attributing one's self to the name of Our August Master (Peace be upon him) then surely this would have been stated in the Quran or Sunnah, or would have been promulgated by the Sahaaba. As is quite evident, this was never the case. Almighty Allah states in the very last verse of Surah Hajj: "And He named you 'Muslims' before this (Quran) and in This Quran..." Allah conferred upon us the title 'Muslim'. Had Allah Ta'ala so wished, he could have termed us 'Muhammadi', but did not. Calling oneself Hanafi, Shaafi'ee, etc. is not because we follow these Imams as Divine Leaders and Infallible Imams, as the Shias believe about their Imams and Leaders. These titles are merely group names for identification purposes, especially since these names represent different sets or

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codes of practice that are all based in the Sunnah of Rasoolullah (sallallahu alayhi wasallam). Such group names were used by the Sahaaba as well. Among the Companions of Nabi-e-Kareem (sallallahu alayhi wasallam) there were the Ansaar and Muhajiroon (terms that appear in the Quran), the Badriyyoon (Sahaaba who fought in Badr). Ulema after the Sahaaba categorized themselves as *Kufiyyoon* (Ulema who followed the Kufi Fiqh), *Bisriyyon* (Ulema of the Basra School), and so forth. These are all Salaf (pious predecessors) who used group names mainly for identification purposes. Today it is essential to identify people as Shaafi' or Hanafi so that their respective math-habs could be afforded the necessary recognition.

Q) I want to know where the Hanafi or Shaafi' math-habs mention that one cannot marry due to different math-habs? What does the Prophet (pbuh) say? Does he have a different Shariah?

A) This is another question riddled with disrespect. We have time and again warned people about the danger of rejecting math-habs. Only people who oppose taqleed will dare speak in such blasphemous terms about Our Master and Leader Hazrat Muhammad (sallallahu alayhi wasallam). These anti math-hab orphans run the risk of losing their ieman through such terms of irreverence and sacrilege. This questioner did not even have the decency to write a proper durood on Our Beloved Rasool (sallallahu alayhi wasallam), sufficing instead, with the abbreviation used by kuffar, viz pbuh. Yet he has the nerve to ask: '*Does the Prophet have a different Shariah?*' If this ignoramus only knew the great personalities against whom he has cast aspersions, he would bury his head in shame. But alas, ma'rifat or recognition of Allah's Auliya does not come easy to the deniers of taqleed. Furthermore, if the questioner had understood my answer rendered on air, he would have had no reason to pose such foolish questions. Both Imam Shaafi' and Imam Abu Hanifa have valid hadith to prove their rulings related to the marriage of a girl without the consent of her Wali. Imam Nawawi (a renowned Shaafi Imam) has mentioned in his *Muhazzhab*, and so have other Shaafi Scholars, that each person is bound to follow his own math-hab. Does the Noble Messenger have a different Shariah? Yes, indeed he has a Shariah that is totally different to the rejecters of Taqleed, for Salafis and ghayr muqallids do not follow his authentic hadith and sunnah in all aspects of Islam. Theirs is a different brand of Islam unheard of in former times.

Q) In support of 20 rakaats taraweeh you quote the

hadith: 'Follow my Sunnat and the Sunnat of the rightly guided Caliphs after me'. So your claim is that in 20 rakaats taraweeh you are following Hazrat Umar. Yet this hadith tells us to first follow the Sunnat of Rasool, and then, when there is no answer to an issue in his Sunnat, then we look to the Sunnat of the Khalifas. We have a Sunnat of 8 rakaats in the life of Rasool (sallallahu alayhi wasallam), so there is no need to take the Sunnat of Hazrat Umar (radhiyallahu anhu).

A) Alhamdu-lillah, at least a decent and reasonable argument from the Salafis/Ghayr-Muqallids. But on proper reflection, this question contains several unsubstantiated premises. One can only entertain a question for debate when all premises submitted therein are conclusive and substantiated. When premises in an argument are flawed, the resulting conclusion will be wildly off target and seriously misleading. **Flaw 1:** The hadith does not tell us to firstly follow the Sunnat of Rasoolullah (sallallahu alayhi wasallam) and then that of his Sahaaba. You have failed to submit a reference for the interpretation you render. No hadith can be interpreted as one feels like. The need is for scholarly support when rendering a particular meaning to hadith. The exact translation of the hadith narrated by Imam Tirmizhi is as follows: "*Make incumbent upon yourselves my Sunnat AND the Sunnat of the rightly guided caliphs after me....*" In Arabic and even in English, the conjunction 'and' does not signify precedence in rank or sequence but is used to bring two or more items under the same function of a sentence. While it is our belief that the Sunnat of Allah's Messenger is superior to the Sunnat of his Sahaaba, this fact is not conveyed nor intended in the hadith under discussion. Instead, the idea behind these blessed words of Rasoolullah (sallallahu alayhi wasallam) is to announce that the Sunnat of the Khulafaa (Caliphs) is the same as his Sunnat, and no different. The purpose is to establish the fact they would not adopt a practice that was contrary to his Sunnah. This interpretation is mentioned by Mulla Ali qaari in his commentary on Mishkatul-Masaabeeh, where this particular hadith appears. **Flaw 2:** You have failed to furnish proof that 8 rakaats of Taraweeh were established from the Sunnat of Rasoolullah (sallallahu alayhi wasallam). Hazrat Mufti Rashid Ahmed Sahib (RA), the former Mufti of Pakistan, wrote a very useful treatise on the number of Taraweeh rakaats, wherein he conclusively demolished the myth of the Ghayr-Muqallids and Salafis that Rasoolullah (sallallahu alayhi wasallam) made 8 rakaats of Taraweeh. Two of the core premises in your argument are flawed, thus rendering the entire objec-

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tion redundant. I shall now explain the method of deriving proof from this hadith for 20 rakaats taraweeh.

Premise 1: It is established from many ahadeeth that Rasoolullah (sallallahu alayhi wasallam) did offer Taraweeh Salah. He also said: “*And I have made the qiyaam of Ramadaan Sunnat for you*” However, the exact number of Rakaats are not known. This, therefore, leaves the followers in the dark as to how many Rakaats to fulfill. Those who are ardent lovers of Rasoolullah (sallallahu alayhi wasallam) would dearly wish to follow his sunnat and offer ibadat as he did. It was, therefore, necessary that a fixed number of rakaats be determined for this purpose.

Premise 2: The practice of Sayyiduna Umar bin Khat-tab (radhiyallahu anhu) provided us with conclusive guidance on the number of rakaats in Taraweeh. However, the question still remained: If we follow the practice of Ameerul Mumineen Umar (radhiyallahu anhu) would that still earn us the reward of following the Sunnah?

Premise 3: The abovementioned hadith of Tirmizhi provided the answer in no uncertain terms. The Sunnah of the Khulafa is undoubtedly the Sunnah of Rasoolullah (sallallahu alayhi wasallam).

Conclusion: By offering 20 rakaats Taraweeh we are fulfilling the Sunnat of Nabi-e-Kareem (sallallahu alayhi wasallam).

Q) What is the position of today’s Salafees in Islam? Can we appoint them as Imam, or read salah behind them? Are they among the Ahlus Sunnah wal Jama’ah?

A) Some Salafees, not all, believe that Allah is positioned on His Arsh in a literal sense. They extend this belief further to include the descent of Allah from His Throne to the First heaven and back. Salafees who maintain such beliefs are outside the fold of Ahlus-Sunnah, though they are still Muslims. It is not permissible to appoint them as Imam, nor to read salah behind them. The same ruling applies to Salafees who insult the Imams of the four math-habs. However, Salafees who do not hold such beliefs, and respect the Imams and their math-habs, are not outside the fold of Ahlus-Sunnah. As regards performing salah behind this second category of Salafees, if they refrain from such acts which nullify the salah according to all math-habs, such as making masah on ordinary cotton socks during wudhu, then their imaamat is valid, otherwise not. Likewise, those of them who disrespect the sanctity of salah by not wearing a topi, should not be put forward for Imaamat.

Q) When did the math-habs develop? Did this happen in the lifetime of the Imams, or after them?

A) The development and codification of Mathaahib occurred during the lifetime of the Imams, but became standardized in the Islamic world after their demise. It must be remembered that during the lifetime of the Imams, there existed hundreds of math-habs. As explained earlier, a math-hab is a path of fiqh adopted by one particular Mujtahid from Quran, Sunnah, and rulings of Sahaaba. Sufyaan Thowri had adopted his own school of fiqh from these sources, as did Imam Bukhari, Imam Ishaq, Imam Sha’bi, Imam Auzaa’ee, Imam Taoos, Imam Hasan Basri, Imam Dawood Thaa-hiri, Imam, Wakee’ and thousands of others. Some of their views coincided with those of their colleagues and contemporaries, while others differed. With the Permission and Plan of Allah, by the turn of the third century Hijri, all these other math-habs dwindled away, leaving the famous four as the predominant Schools of Fiqh throughout the Muslim world. Automatically, Muslim masses took to one of these four, depending on their geographical location. In this manner, the Muslim world was left with only four math-habs, and this can only be attributed to a Divine Plan. (Cited from *Al-Insaaf Fee Sababil Ikhtilaaf* of Hazrat Shah Waliyullah Dehlawi RA).

Q) Did Muslims in the former times follow one Imam? If not, why did this become a practice later on?

A) In the former times Muslims did not make taqleed-shakhshi (following one Imam). They would take fatwas and rulings from more than one Imam, though there were a few who held fast to the rulings of one particular Imam. People in Madina, for example, took their fatwas only from Hazrat Zaid bin Thaabit (radhiyallahu anhu) as long as he lived. Taqleed of more than one Imam was totally permissible. However, as Muslims moved further away from the golden eras of Islam, their ieman grew weaker and honesty gave way to enslavement to whim and desire, and the need was perceived to bind people to one particular math-hab lest they make a mock of Deen by switching between math-habs just to suit their whims and desires. It was then that the majority of Scholars imposed upon the masses taqleed-e-shakhshi. This became the need of the times and thus, taqleed of one particular math-hab was declared waajib. (*Al-Insaaf*) The danger of switching between math-habs was highlighted by Shaykh Ibni Taymiyyah, who declared that there was Ijmaa’ or consensus among all Ulema that to practice on a hadith or math-hab purely for convenience sake is

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haraam. He gives the example of a man who made nikah in the presence of witnesses who were not reliable (faasiq). That nikah was valid according to the Hanafi math-hab, but not according to the Shaafi' math-hab. After a while this man issued his wife with three divorces. Faced with the dilemma of talaq-e-mughallaz, and wanting to take his wife back again, he now claims that at the outset his nikah was not valid according to the Shaafi math-hab, hence the three talaq were ineffective. This is called talfeeq, or mixing up the rulings of two math-habs, and is totally haraam. This is a mock of Allah's Deen and can have serious consequences. (*Jawaaharul-Fiqh by Hazrat Mufti Shafee' sahib (RA)*).

Q) It is argued that having more than one math-hab is the cause of disunity and hostility among Muslims; hence we should do away with diverse Schools of Thought and have only one math-hab for all Muslims. This will help in bringing about unity. Is this a valid argument?

A) This argument is baseless for the reasons that follow. Firstly, hostilities and division among Muslims of the past were based purely on worldly motives, and were not the product of diverse math-habs. This is still the case today. When studying the underlying causes of disunity among Muslim states, political and terrestrial motives feature quite prominently. As for Muslim communities, disunity arose among them because of greed for wealth, name, and fame. Different Math-habs existed in harmony for centuries, so much so that at one stage, in the Masjidul Haraam of Makka and the Umayyad Masjid of Damascus there were four mihraabs for each of the four famous math-habs. Each jamaat would read salah behind its respective Imam in its respective times. This system functioned in perfect concord until there appeared on the scene leaders who out of sheer prejudice, discontinued this system. Secondly, if for a moment we assume that followers of different math-habs opposed each other on the basis of their differences in math-hab, what reason shall we furnish for the in-fighting that goes on among the followers of one math-hab? Any reason we choose here as a cause for disharmony, might just as well apply to the disunity among people of different math-habs. Thirdly, all great thinkers of the Ummat to date have never identified math-habs as the cause of disunity. I challenge anyone to bring forth even one example of strife among Muslims that was caused by the following of a particular math-hab. In fact, it was only when people started abandoning math-habs, that the seed of dissension was embedded in the Ummah. Fourthly, on

the assumption that the cause of our internecine strife is indeed diverse Schools of Fiqh, and consequently, we need to impose one math-hab on the whole Ummah, we are faced with the following serious challenges: a) Which math-hab out of the four do we impose on the Muslim masses? b) If it is argued that the Ummat should be bound to only Quran and Sunnah, the question arises: In a divergent society of Ulema and Shuyookh, whose interpretation of Quran and Sunnah shall be binding and final? Differences in interpretation of certain Quranic verses and traditions of The Holy Prophet Muhammad (sallallahu alayhi wasallam) always existed. Which authority is there in the Muslim world who could give preference to one interpretation over another, and whose decision the masses will accept? c) Who will formulate and implement the decision of following only one math-hab? d) How do we enforce this decision if one community or country refuses to abandon its age-old math-hab? There is no authority in the Ummat today which can enforce a decision upon the entire Muslim Ummah. e) To impose one single math-hab on the global Muslim community overnight is a strict and suppressive move. What measures do we adopt to ease the sudden harshness that will suddenly envelope the Ummah? These are just a few of the major insurmountable hurdles that face the orchestrators of such an idea. If anything, the move to foist one math-hab on Muslims globally will result in chaos and mayhem, and will really cause an outbreak of internecine strife. It is only short sighted people, smitten by some inexplicable aversion for taqleed who come forward with such outrageous and preposterous ideas.

As a matter of interest, some Ulema of the past such as Allama Suyooti and Allama Shi'raani have taken the view, based on their spiritual intuition and a study of the relevant ahadeeth, that during the reign of Imam Mahdi (alayhis salaam) the entire Muslim Ummah will follow only one math-hab. Which math-hab that will be, is open to debate. Imam Suyooti maintains that because the Imam will be a Mujtahid in his own right, he will abrogate all previous math-habs, and will formulate his own math-hab. Due to the supreme authority over the Ummah vested in him by Allah, it will not be too difficult a task to align the whole Ummah to one viewpoint in matters of Deen. Imam Mahdi will use the coercive powers of his leadership to enforce one math-hab. But Allah knows best. Till then, though, the four math-habs of today are here to stay.

Q) Some claim that Imam Abu Hanifa was not well versed in hadith for two reasons: a) He lived in

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Iraq while hadith was taught mainly in Makka and Madina; b) The early years of his life was spent as a cloth merchant, so he could not acquire mastery over the science of Hadith as other scholars did in his time. Is this view correct?

A) If living far away from the Holy cities was a factor that precluded one from studying hadith and mastering the science, then we would not find the **bulk** of hadith scholars coming from Russia, Afghanistan, Iraq, and Iran. The Scholar who wrote the most authentic kitab on hadith after the Book of Allah, Imam Muhammad bin Ismail Al-Bukhari, hailed from Bukhara, which is in southern Russia. Likewise, famous scholars such as Imam Tirmizhi, Muslim, Abu Dawood, Ibni Majah, Nasaa-ee, and many others all lived in Iran and southern Russia. Yet, these scholars were unmatched in their mastery over hadith. Some of them barely travelled to Hijaz. This is, therefore, a fallacious line of argument adopted by the Ghayr Muqallids in an attempt to disparage the Hanafi Math-hab. As regards, Imam Abu Hanifa's links with trade, it is true that he had inherited a flourishing business from his father, which he maintained with much success for many years. However, such was his zeal for learning that he had taken in a partner to run his business while he set off in the pursuit of knowledge. There were hundreds of Scholars of Hadith and Fiqah who earned a living through trade, yet reached great heights in Islamic learning. The facts speak for themselves. Pick up the major Hanafi works and see how most of the laws expounded by Imam Abu Hanifa are substantiated from Quran and Hadith. The great Imam himself said: "We take our masaa-il from three primary sources: Quran, Sunnah, and Ijmaa of Sahaaba. Should we not find a ruling in any of these three sources, then we resort to Ijtihad." (*I'laa-us-Sunan*)

Q) Who is a Mujtahid?

A) Hazrat Imam Shaafi' (rahmatullahi alayh) stated: It

is not permissible for anyone to issue *fatwa* (by means of his own reasoning) in Allah's Deen, except a person who is well-versed in the book of Allah. This entails being aware of its *Nasikh* and *Mansukh* verses, its *Muhkam* and *Mutashaabih* verses, its *Ta'weel* and *Tanzeel*, *Makki* and *Madani* verses; the detailed purport of the verses, and the circumstances surrounding their revelation. Similarly, he should be well-versed in the *Hadith* of Rasulullah sallallahu alayhi wasallam, its *Nasikh* and *Mansukh*, and he should be equally knowledgeable about the *Hadith* of Rasulullah sallallahu alayhi wasallam as he is with the Qur'an. Thereafter he should be well versed in the various sciences of the Arabic language, Arabic poetry and all those sciences that are required for the study of Islamic knowledge and the Qur'an. At the same time he should be equipped with impartiality and justice, coupled with constraint speech. He should also have a command over the differences of the *Fuqaha*. He should possess a natural ability in the art of extracting rulings from the sources of *Shari'ah*. After having fulfilled all the above requirements, then only may he voice his opinion and pass rulings pertaining to matters of permissibility or prohibition. If not, then he has no right to voice his opinion regarding religious knowledge, nor is he permitted to pass any ruling (Fatwa). (*Atharul Hadeeth Shareef*, pg. 136)

Q) Who Qualifies as a Faqeeh (Jurist)?

A) "A man asked Hazrat Imam Ahmad bin Hambal (rahmatullahi alayh): "If a person memorizes 100 000 *ahadith*, can he qualify as a faqeeh (jurist)?" He replied: "No." The person asked: "What about 200 000?" The Imam once again replied: "No." Again the man said: "What about 300 000?" The Imam replied in the negative once more. The man said "Then 400 000?" This time he shook his palm, meaning that "probably he may be a Faqih, fit enough to pass Fatwa on his own accord". (*Ibid*) □

STATEMENT OF SHAYKH IBNI TAYMIYYAH

He wrote: "When a Muftee passes a *fatwa* in accordance with the opinion of his Imam, then indeed he has passed a *fatwa* (based) on (sound) knowledge. In reality he is merely conveying the ruling passed by his Imam, therefore he has not deviated from sound knowledge." (*Athar-ul-Hadith Ash-Shareef* p. 55, Darus-Salaam, 2nd edition).

Here is Ibni Taymiyyah, the much acclaimed Alim whom the Salafees term Shaykhul-Islam, clearly stating that the opinion of an Imam is based on true knowledge, and that one who follows such opinion and rules according to it, is on Haqq. □

A Critical Analysis

Fiqh

Moving the Index Finger in Tashahhud

The Salafi Scholars and those who make their taqleed have adopted the practice of rotating and moving the index finger continuously in tashahhud. Let us analyze their proof for this practice.

Hadith of Waa-il bin Hujr (radhiyallahu anhu)

Hazrat Waa-il bin Hujr (radhiyallahu anhu) was a famous Sahaabi of Rasoolullah (sallallahu alayhi wasallam) who narrated many ahadeeth pertaining to salaah. Hazrat Waa-il bin Hujr (radhiyallahu anhu) narrates that Rasoolullah (sallallahu alayhi wasallam) raised his forefinger in tashahhud. He then says: "I saw him moving that finger, while making dua." The late Shaikh Al-Baani states in his kitab Sifat-us-Salaah, that this is a saheeh hadith narrated by Bayhaqi, Abu Dawood, Nasaa-ee, and others. He then says: "In this hadith is proof that the sunnah is to keep the finger pointed and moving continuously till salaam. And this is the Maaliki math-hab"

ANALYSIS OF THIS PROOF

The hadith of Hazrat Waa-il bin Hujr is, no doubt, a saheeh (authentic) hadith. However the phrase: (*Yuharrikuha* 'He was moving it'), is not established in this narration, for this hadith has been narrated by ELEVEN Scholars of hadith and not a single one mentioned this word in his narration. It is only in the above-mentioned sanad (transmission) where these words appear. All the books of hadith speak of the raising of the index finger in tashahhud, but none of them mention the moving, shaking, or rotating of the finger. The hadith merely state that The Messenger of Allah "pointed" with the forefinger.. The Arabic term used for this in the hadith is: (*Yusheeru*), meaning 'he pointed'.

For the record, Al-Baani's statement that this hadith appears in Abu Dawood is incorrect, for it does not. Yes, Bayhaqi and Nasaa-ee have narrated it, but not Abu Dawood. In Abu Dawood shareef Waa-il bin Hujr narrates a hadith on the pointing of the finger in tashahhud, but does not mentioned the 'moving of the finger'. It seems that Al-Baani was **copying** the statements of other scholars who said that this hadith appears in Abu Dawood, instead of verifying this himself. Scholars who are scholars in the true sense of the word don't make such blind taqleed. Nonetheless, the abovementioned phrase ('he was moving the finger') is not part of the original hadith and is **not authentically transmitted**. Imam Ibni Khuzayma, who narrated this hadith shareef in his Saheeh collection, says: "This phrase is not in any narration except this one, and it is only Zaaida (a narrator) who mentioned it." (*Saheeh Ibni Khuzayma* p. 353, vol 4. Al-Maktabul-Isaami, Beirut)

To lend further support to this fact, we notice that Waa-il bin Hujr (radhiyallahu anhu) narrates several other

ahadeeth on the tashahhud of Rasoolullah (sallallahu alayhi wasallam) which are mentioned by Imam Tirmizhi, Imam Ahmad, as well as Imam Abu Dawood, but nowhere in these narrations does he mention the "rotation of the finger." All he says is: "The Messenger of Allah pointed with his forefinger". Such a marked difference is not consistent with authentic narrations.

11 ULEMA NARRATORS

We enlist the names of the 11 hadith Scholars who narrate the hadith on pointing the finger but do not mention that the Messenger of Allah moved it or rotated it continuously. These are:

Sufyaan Thowri; Sufyaan bin Uyaynah; Shu'ba bin Hajjaj; Abdul Waahid bin Ziyaad; Abdullah bin Idrees; Zahier bin Mu'awiyah; Abu Uwaanah Yashkari; Abul Ahwas Salaam bin Saleem; Bishr Ibnul Mufadhal; Khalid bin Abdullah Al-Tahhān; Ghaylān bin Jaami'.

All these Muhadditheen narrate the hadith of Hazrat Waa-il bin Hujr (radhiyallahu anhu) but make no mention of *tahreek* or movement of the forefinger.

MAALI KI MATH-HAB

Shaikh Al-Baani's statement that this is the Maaliki math-hab has no bearing on the debate, because he and those who follow him do not subscribe to any math-hab, leave alone the Maaliki math-hab. Furthermore, this is not the view of all Maaliki Ulema. Ulema such as Allama Ibnul Arabi (in his commentary on Tirmizhi), Shaikh Salaamullah (commentary on The Muatta), and Imam Ibnul Haajib (in Mukhtasar Al-Fiqhi) have all disputed the view of rotating and wiggling the finger. Allama Ibnul-Arabi says that some people believe this practice to be a blow at Shaytaan. But, he warns, "for every one finger you raise to attack Shaytaan, he will raise ten fingers (against you). The only way to strike at Shaytaan is through Ikhlās, humility in Salah, Zhikr, and reading Aoozhu. As for tahreek (shaking the finger), no!" For the record, the Hambali math-hab also does not subscribe to the shaking, moving, or rotating of the forefinger.

The Salafis proudly claim that they follow *the most authentic proof*. We would like them to step forward now and explain how this *faux pas* constitutes the 'most authentic proof' or the 'strongest daleel'.

MORE AUTHENTIC VIEW

Hazrat Abdullah bin Zubayr narrates a hadith in Abu Dawood Shareef and states that Rasoolullah **did not move (or shake) the finger**. This is a saheeh hadith, and is daleel (proof) of the majority of Scholars, including the respected Ahnaaf and Shawaafi, that the finger should merely be pointed in tashahhud, not rotated in a

(Continued on page 9)

An Uncontested Challenge

Fiqh

In correspondence with another member of the anti-taqleed lobby, the ghayr-muqallid was stubbornly insisting that he did not need the Ulema to interpret the Holy Quran and Hadith. It was possible, he maintained, to access these sources directly and determine rulings of Shariah. He further claimed that the Hadith is straight-forward and the Ulema were confusing matters of Deen and making Shariah difficult by promoting taqleed.

I responded by issuing the following challenge:

Assuming you wish to offer salah, and you don't know the method of folding the hands when in qiyaam (standing position). I challenge you to access The

Quran and Hadith directly and ascertain the correct manner of folding your hands whilst in the standing position of salaah. In so doing, you are not to quote the view of any Imam; not Imam Shaafi', nor Imam Abu Hanifa; nor are you allowed to seek help or guidance from any Alim. I demand proof directly from Quran and Hadith entirely on your own. Furthermore, your proof must be straight-forward and uncomplicated.

This was my challenge to the self-styled 'Alim'. For the record, the response I got from this correspondent was not very kind, but the challenge was never ever met. The very first problem this person would encounter in

this exercise is the apparent contradiction between placing the hands below the navel, as is the math-hab of Imam Abi Hanifa and Imam Ahmad bin Hambal, and placing it above the navel as is the view of the Shawaafi'. How would an ordinary layman reconcile such ahadeeth? If he claims that he would at times do one thing and at times the other, he would then have to prove whether switching between the two was the choice of Allah's Messenger or just his fanciful imagination.

These matters require deep and skilful knowledge, which only the great Imams of yesteryear possessed. □

Moving the Index Finger in Tashahhud

(Continued from page 8)

circular motion. When comparing this hadith with the hadith of Hazrat Waa-il bin Hujr (radhiallahu anhu) it becomes apparent that both are saheeh, but the extra words in the hadith of Hazrat Waa-il (radhiallahu anhu) are not documented. These words were perhaps inserted afterwards by another narrator, who may have mentioned this as his own opinion, but they are definitely not part of Hazrat Waa-il's hadith. There are no other narrations, not even weak ones to support the practice of rotating the finger. The rules of hadith state that when one narration contains an additional phrase that does not appear in other authentic traditions, such an addition will not be accepted, especially when it goes contrary to the narrations of reliable narrators. Such a hadith is called *Shaazh*, or non-conformist. When even a reliable and authentic narrator reports a version that is not corroborated by other authentic narrators, it is called *Shaazh* and is generally rejected by Scholars of Hadith.

Shaikh Al-Baani, true to form, claimed that this hadith of Hazrat Abdullah bin Zubayr is not saheeh, and should consequently be ignored. Unfortunately, Salafis only certify as authentic those ahadeeth which suit them, and those which contradict their view and practice are summarily discarded on the pretext of it being *dha'eef* or unsound. Well, let us put Al-Baani's claim to test and see how true it really is.

In order to ascertain the authenticity of a hadith, we look at the position and status of the narrators in its chain of transmission. The Muhadditheen (Scholars of Hadith) of the past have analysed and scrutinized all narrators. In the hadith of Sayyiduna Abdullah bin Zubair there are six narrators besides Hazrat Abdullah bin Zubair. There is no need to scrutinize him, for a Sahaabi is the highest authority in hadith. We now

mentioned the six narrators and next to each name the accreditation from senior Ulema and reference.

Ebrahim Bin Hasan Al-Maseesi: Authentic = Hafiz Ibn Hajar in Taqreebut Tahzeeb

Hajjaj bin Muhammad: Authentic and Reliable = Ibid. **Very truthful** = Ali ibnul Madeeni, Al-Jarah)

Ziyad bin Sa'ad : Authentic = Imam Ahmad bin Hambal, Al Jarah. **Sound and Reliable** = Taqreeb.

Muhammad bin Ajlaan: An Imaam, very truthful and famous. Imams Ahmad, Sufyan bin Uyaynah, and Abu Haatim have authenticated him, and he is among the narrators of Muslim = Al Meezan of Ibn Hajar)

Aamir bin Abdullah: Among the most authentic of people = Imam Ahmad bin Hambal, Al-Jarah. **A pious and authentic person, a man of the Sunnah** = Taqreeb.

Well, there we have it. Every single link in the chain of transmission has been pronounced competent and reliable, thus making this hadith authentic and reliable. But Shaykh Al-Baani, as always, opposes all the above authorities and says the hadith is "weak".

Imam Nawawi (RA) states that the same hadith as above is narrated by Imam Al-Bayhaqi, and that hadith too, is saheeh (authentic).

Hazrat Abdullah bin Umar narrates a hadith in Muslim Shareef and states that Rasoolullah (sallallahu alayhi wasallam) raised his forefinger in tashahhud. He makes no mention of moving or rotating the finger. Readers will agree that Muslim Shareef ranks among the most authentic books on hadith, almost on par with Bukhari Shareef. We have proven from the above writings that the practice of rotating and twirling the finger in tashahhud is not supported by any strong proof.

(Adapted from *Rasaa-il As-Saqqaf* of Shaikh Hasan bin Ali As-saqqaf) □

DO WE FOLLOW QURAN & SUNNAH, OR THE IMAMS?

Imam Abu Hanifa gave the following advice to his students: “*When a hadith is saheeh then that is my math-hab.*” In this advice the great Imam laid down two principles governing his math-hab: one, that he chose saheeh (authentic) hadith for the rulings promulgated by him, and two, that he instructed his followers to do the same. It was pleasantly surprising to read the statement of a Salafi who professes that he doesn’t follow any math-hab, but conceded (perhaps unknowingly) that, and we quote his exact words: “*Authentic Ahadeeth were given precedence by the Imams over their own opinions*” In other words, Imams such as Abu Hanifa, Shafi’ee, Maalik, etc. preferred hadith over personal opinion. This statement by a man who rejects taqleed is a begrudged confession that those great Imams **never ruled on their opinion, but based their math-hab on authentic hadith**. We now get clarity to the above question. When following an Imam who based his math-hab on authentic hadith, one is actually following the Sunnah and not the Imam. However, it is not within the capabilities of ordinary people to determine and understand which hadith are authentic and which are not. That is the task of the Muhadditheen and Mujtahideen. It is ironical, not to mention frightening, that a layman of today, who possesses absolutely no knowledge of Deen, but makes taqleed of self-styled mujtahids, is prepared to contest the math-hab of the former Imams, and even deviate totally from the practices of these Imams.

THE HANDS-ON-CHEST POSITION

An example of such deviation is the practice of placing the hands on the chest whilst standing in salah. Laymen who do this nowadays do not have a clue of why they are doing it, except that they were told to so by their Salafi masters. **This is not the math-hab of any Imam or Mujtahid.** According to Imam Abu Hanifa and Imam Ahmed bin Hambal, the hands should be placed below the navel, while Imam Shaafi’ee maintains it should be held above the navel, but below the chest. Imam Maalik’s view is that the hands should be left at the sides. Why have the Imams not opted for the hands-on-chest stance? Simply because it has not been authentically reported! The Imams fol-

low hadith, so if it was clearly mentioned in any hadith that Rasoolullah (sallallahu alayhi wasallam) folded his hands on his breast, or instructed the Sahaaba to do so, then surely these great Imams would have adopted that hadith for practice. Imam Tirmizhi mentions the hadith of placing the right hand on the left whilst standing in Salaah. He then says: “*Some Ulema are of the view that the hands should be placed above the navel (like Imam Shaafi’ee), while others maintain they should be held below the navel (like Imam Abu Hanifa and Imam Ahmad). There is leeway for both practices.*” The reason for Imam Tirmizhi mentioning these two views is because both practices are stated in the hadith. Yet the Salafis obstinately persist with folding the hands over the chest, because **they** believe this is mentioned in an authentic hadith. It is **their** opinion against all the rest. What else is this but blind prejudice? Because they refuse to listen to people more learned than them, they have made a colossal blunder in their understanding of the hadith. It is clear that people who behave in this manner are actually claiming they are more knowledgeable than those gigantic Scholars of Deen. The very thought is ridiculous and laughable. Indeed, fools rush in where angels fear to tread!

In this *mas’ala* the Salafees have made taqleed of Allama Showkaani, and have set themselves up in opposition to all the four math-habs, as well as the entire **Salfus-Saaliheen**. Showkaani states in his celebrated work *Naylul-Owtaar* that ‘*there is nothing in this chapter (of placement of hands in salaah) more saheeh than the Hadith of Waa-il bin Hajar*’, and the hadith of Hazrat Waa-il (radhiyallahu anhu) states that “*I read salaah with Rasoolullah (sallallahu alayhi wasallam) and he placed his right hand over his left, on his chest.*” Since Allama Showkaani declared this hadith as saheeh, the Salafees contradicted all the Aslaaf (pious predecessors) and believed that this is the proper sunnah method. The hadith may be saheeh, but what the Salafees do not mention is that there is a major dispute regarding the extra words: ‘*Alaa Sadrihi - on his chest*’ that appear at the end of this hadith. Ibnul-Qayyim in *I’laamul-Muwaqqi’een* says that the addition “*on his chest*” is narrated **only** by Muammil bin Isma’eel, and no one else. The same

hadith is narrated in Abu Dawood and Ibn Majah without any mention of the words “on his chest”. There is mixed reaction among the critics as to the integrity of Muammil bin Isma’eel. See the following comments:

Imam Bukhari says that Muammil is *Munkarul-Hadith*; Abu Hatim says he is *Katheerul-Khata*. Sulaiman bin Harb: “*Sometimes it is wajib on the Ulema to desist from narrating his hadith because he narrates munkar ahadeeth from his reliable Ustaads, and this is worse.*” (A *Munkar* hadith is that which a *dha’eef* narrator narrates from someone who is more *dha’eef* than him. But Muammil bin Isma’eel used to narrate the ahadeeth of more *dha’eef* narrators than himself, and attribute it to his reliable Ustaads!); Imam Saaji: “*Katherrul-Khata*’, and he has a lot of doubtful narrations the details of which are very lengthy.” Imam Muhammed bin Nasr Mirwazi: “*When Muammil narrates something alone, it’s wajib to abstain therefrom and verify its authenticity because he had a bad memory and used to make a lot of mistakes.*”

The above comments are self-evident. On these grounds the extra words “on his chest” cannot be considered reliable. It is, therefore, certain that this “most authentic” narration cannot be used by the Salafees to prove their ‘hands-on-chest’ stance. Senior Tabi’een like Ebrahim Nakh’ee, Abu Mijlaz, as well as Sahaaba like Abu Huraira, Ali and Anas (Radhiyallahu anhum) state that the sunnah is *below the navel*, whilst others narrate *above the navel*. All Hanafi and Hambali Scholars are of the view the hands should be below the navel, whilst the Shaafi’ees say above the navel, and Imam Malik leaves the hands at the sides. In opposition to all these great and intellectual giants, the Salafees still obdurately hold fast to their hands-on-chest view. A narration of Taa’oos mentions the hand on chest, but it is *mursal*, and the Salafees, if they are true followers of the Salafe-Saalihi, would not accept a *mursal* hadith as daleel when there are saheeh and authentic ahadeeth opposing it. (*Mursal* is a narration in which the Sahaabi’s name who narrates it has been omitted.) □